**Port of Silverdale**

Minutes of Regular Meeting

July 15, 2021

The State recently reopened and it was decided to hold the regularly scheduled Port meeting in person and also allow attendees to continue to attend via ZOOM. The link to the meeting was posted on the Port’s website - portofsilverdale.com.

**1. CALL TO ORDER**
Commissioner Caleb Reese called the meeting to order at 6:04 PM. Others who were attending in person were: Commissioner Doug Kitchens; Commissioner Ed Scholfield; Attorney Phil Best; Administrator, Theresa Haaland; Bridget Burke of Clam Island Rowing (CIR); John Bouck of Kitsap Sailing Foundation (KSF); and Carla Larson. Those attending via ZOOM were: Henry Aus; Eric Barr of Patano Studio Architecture (PSA); Monica Downen; Greg Jacobs of KSF; Lee Knapp of TIKAR Services; Mike McCown; and Patty Reese.

**2. CONSENT AGENDA**
***It was agreed to approve the following Consent Agenda items as submitted: July Meeting Agenda; June 15, 2021 Special Meeting minutes; June 17, 2021 Regular Meeting minutes; Authorization for Electronic Transfer of Payroll Taxes #2021-07 to the U.S. Treasury in the amount of $2,804.18; and the July 15, 2021 Voucher Approval for checks numbering 12776 through 12801 totaling $58,984.24, which is attached to these minutes*** (motion by Scholfield; second by Kitchens; unanimous).

The Pledge of Allegiance was recited.

**3. GUESTS THAT REQUESTED TO BE ON THE AGENDA**– Mike McCown, a local business owner, was recently enjoying his lunch from his car parked along the curb in the boat launch parking area, when he was asked, by a very polite Safe Security guard, to move along. Mr. McCown explained that he has been doing this several times during the week over the past twenty-five years. In the summer he notices that the “Towing in Progress” signs are set out and it seems that is when he is asked to move along, even if it is not overly busy. Mr. McCown explained that he has approached the Port about this issue in the past and even attended committee meetings about parking. He asked how it is decided and/or who decides to put out the towing in progress signs. He explained that he is also a boater and he does appreciate that he is able to use the launch, but in all his times launching and retrieving his boat he has never witnessed it being blocked by someone parked enjoying the view. Commissioner Reese said that the Safe Security guards are implementing the Port’s parking policy, although it is more for educational purposes. Commissioner Scholfield said that if the weather is hot and it’s a high tide the signs are placed in the parking area as it is anticipated that the lot will be busy with boaters that day. Mr. McCown said that people who are just enjoying the area are being asked to move even when there are no boats in the lot. Commissioner Scholfield said that the Port can’t predict when a large boat might show up. Mr. McCown asked if there was a reason to block off the vehicle/boat trailer overflow lot with Ceccant’s construction equipment. Commissioner Scholfield informed Mr. McCown that the Port also owns the property at the end of Pacific Avenue and at the end of Lowell Street, both of which have great views. Mr. McCown said that in the past he was informed that the Port cannot allow vehicles to park in the vehicle/boat trailer lots due to restrictions of the Recreation Conservation Office (RCO) grant that was partially used to construct the boat launch. He said that he actually called the State and determined that these restrictions are in perpetuity, but he thinks when the lot is not being used by boaters the public should be able to park there to enjoy the view because although they may not be boaters, they are users of the Port. Commissioner Scholfield said that the Port has over one-hundred parking stalls in the Old Town area and on the weekends the lot at the Waterfront office building at the end of Byron Street is available for parking as well. The last two to three weekends the lots have been approximately seventy-five percent full. He explained that the Port is required by law to keep the vehicle/boat trailer lots available to boaters per RCO restrictions in accepting the grant money to construct the boat launch. Mr. McCown encouraged the Commissioners to be flexible with people down in the area just enjoying the view from their vehicles and for the Commissioners to consider such users as part of the Port. Commissioner Reese said that if an individual is just sitting in their vehicle in the lot on a non-busy day, there shouldn’t be much issue. Commissioner Scholfield said that the day Mr. McCown was asked to leave must have been either a Friday, Saturday or a Sunday because that is when the Safe Security – Port Host is on duty. Mr. McCown agreed it was probably a Friday, but that there were dozens of parking stalls open. Commissioner Reese said that people parked along the red curb are told that it is a no-parking area and it is generally an attempt to educate the public.

Carla Larson explained to Mr. McCown that if he intends to launch his boat the week of July 19th, he should plan to do it by Thursday noon as the launch will then be closed that weekend for Whaling Days. John Bouck said that he needs to get the KSF/Port safety boats out of the water by then.

Phil suggested the Commissioners review the parking policy that is in place. Bridget Burke said that people park along the curb, blocking CIR’s path. Mr. Bouck said that he has noticed that the vehicle-only lot is full every morning during the week. It is believed to be due to the construction.

**4. UNFINISHED BUSINESS**

4.1. Waterfront Center Predesign Project/Pump Station #3 – PSA provided two additional design placements of the project. Eric Barr explained that these two new designs are more in line with what Rice Fergus Miller (RFM) had originally prepared. Commissioner Scholfield told Mr. Barr that the borings that are set to take place in the parking lots will not be able to take place between July 22nd through the 29th, due to Whaling Days and the sealing and restriping of the lots. Mr. Barr said that he will look into it to make sure it’s not scheduled during those dates.

4.2. Grants/Projects – the RCO published its Grant Awards 2021- 2023 list. It states that the Port grant award is $1,128,288 for Improving the “Old Town” Silverdale Marina. $500,000 is from the Aquatic Lands Enhancement Account (ALEA) with $628,288 from the Boating Facility Program (BFP) account. The Port also applied for a grant through the Washington Wildlife and Recreation Program (WWRP) – Water Access, but was unsuccessful. The ALEA and WWRP grants were set to match each other, but since the WWRP was not awarded the Port will be required to come up with the matching funds to the ALEA grant. The grants were applied for to expand moorage and improve public access by extending a finger pier and replacing the gangway from the existing pier to the marina dock and install an 82-foot-long gangway from the existing pier to a new float that will be open to all non-motorized watercraft. The BFP grant covers the upgrade of wiring, power pedestals, and plumbing to the current floating moorage facility and extend the far finger pier by 1,700 square feet to provide wind and wave protection and allow larger boats to tie up.

Phil reported that Art Anderson and Associates (AAA) are working on the gangway and new non-motorized float design as well as the feasibility of moving the floating moorage facility to the south. They are set to provide the Port with the design next week. John Bouck asked about moving the floating moorage facility. It was explained that the Port has hired AAA to provide information of the possibility of moving the entire moorage facility to deeper water in an effort to avoid future dredging in that area. This may impact the installation of the new non-motorized float as it would be affected as well. Mr. Bouck offered to help in any way possible.

Phil reported that the new trial date for Sound Action’s appeal will be set on August 6th. He explained that Thurston County is backlogged with cases and there is a bill in legislature that may change where the cases are held. It may take up to two years before this appeal case is heard. Phil said that he may no longer be in practice by that time.

Lee said that he has the basic drawing with a one-percent drainage slope for the Boat Ramp Access Repair project. He said that the area was very tight so he included a channel, which will allow for easy drainage. Lee said he will send the drawing to Commissioner Scholfield for review.

County’s Bayshore/Washington/Byron Street project – a letter dated June 21, 2021 was sent to Jack Campbell of Ceccanti providing an estimate from BoomTown Services to reseal and stripe the Port’s parking lots. Commissioner Scholfield reported that he received a call from Jack Campbell of Ceccanti concerned about performing the sealing and re-striping of the parking lots on the 26th since it is the Monday after Whaling Days and boaters are sure to be needing to use the boat launch. It has since been decided to sweep the areas on the 26th with all of the parking lots to be closed on July 27th and 28th as they will be sealed and re-striped those days. Lee was tasked with cleaning the parking lots on the 27th to get as much salt water off of them as possible.

4.4. Programs

 a. Sailing – Commissioner Reese summarized the Sailing Update report from KSF prepared by John Bouck dated July 12, 2021. It is attached to these minutes for the record. Mr. Bouck had also provided KSF’s 2021 Long Range Plan and Vision for Sailing Center – July 2021 Draft. Mr. Bouck said that the Port of Silverdale is a great location for a lot of non-powered boating, but especially sailing. The location has been raved about and is a requested destination for regattas. KSF sees the unique opportunity for Silverdale to be a regional center for sailing on this side of the Sound. KSF is limited due to the Program generally being dependent upon extensive volunteer support, but sailing across the region and within the program is growing steadily with room for much more growth. To combat the limitations, KSF has anticipated expanding paid support, which is their strategy to become a Regional Sailing Center. With paid coaches, they are able to run more programs creating a regional draw. KSF sees the convergence of the Port’s future development plans and the growth of the Program as very exciting. They want to turn this into something really special this side of the Sound. Mr. Bouck thanked the Commissioners

 b. Rowing – a picture of the CIR Teen Summer Camp rowers was on the front page of the Kitsap Sun, July 7, 2021 edition. Commissioner Reese summarized the CIR memo dated July 2021, prepared by Bridget Burke. It is attached to these minutes for the record. Ms. Burke said that the inventory decals are not yet on the oars as indicated within the memo, but they are scheduled to be put on this weekend. Within the memo it states that CIR would like to sell two of the rowing shells and it also alerts the Commissioners to a window on the south side of the Old Town Pub being cracked and appearing to be in danger of falling out. They request that it be boarded. Ms. Larson said there is a window on the north side that may also need some attention. Also within the CIR memo, it states that there are four boats in the boatyard that are privately owned but used by CIR members. It is said to be common practice at rowing shell houses, but new to CIR as because of COVID19 four members purchased singles for club use. CIR used an agreement that Bainbridge Island Rowing has in place as a draft agreement for CIR and the Port. Ms. Burke explained that she had forwarded the draft agreement for Phil’s review. Commissioner Reese said that Ms. Burke had originally told him that the four shells were in the CIR lot because the owners were allowing the club members to use them. Commissioner Reese said that when all of the boats were being inventoried, it was realized that four of the shells were not Port equipment and at that time he had questioned why they weren’t being stored in the Port’s public non-motorized storage lot and paying the annual fee. Ms. Burke had explained to him that this is common practice in rowing shell houses that individuals will let the club members borrow their shells. Commissioner Reese had asked Ms. Burke how the insurance for such boats work as he was concerned the Port would be held liable if one of these privately-owned shells were damaged. Phil said that it is a bit different then someone storing their personal non-motorized craft because it is for the club’s use. Ms. Burke explained that the agreement she had provided is purely a draft. She said that the only reason these four boats are in the boatyard is because of COVID19 and the need to be separated, so a few club members agreed to allow members to use their personally-owned singles. She said that other clubs do offer a rack rental space to club members. It was questioned why those individuals wouldn’t just rent the space over at the non-motorized storage area from the Port. Ms. Burke explained that fitting the shells in that lot would be hard since they are approximately twenty-eight feet long and the oars are available in the boatyard. Phil suggested a total boat storage policy be generated to keep it all similar. Phil was provided the non-motorized boat storage agreement. It was explained that the Bainbridge Island agreement would not be the same as what the Port would use because they own the entire facility. Phil said that it will be tricky from a legal standpoint. Commissioner Reese said that he is confused because in the past CIR has talked about not having enough room, yet now they want to rent out space. Ms. Burke said that they just need one larger rack. Phil was reviewing the draft agreement and said that there are problems with it because it is having people rent the space from the Port but requiring them to adhere to CIR rules. Ms. Burke reiterated that it was just a rough draft and realized it needs to be worded differently. Mr. Bouck said that it would be nice to have a boat that the public can use. Commissioner Reese said that his concern is the Port possibly being liable for the boats that are not Port equipment being stored in the boatyard and even used by Program participants. Ms. Burke said that she originally thought CIR’s insurance would cover, but in talking with US Rowing insurance she determined that they are covered for liability only. She said that she could require the owners of the shells to provide proof of insurance. Commissioner Kitchens asked if the concept is a possibility and if so, Phil can prepare an agreement. Commissioner Reese said that if the privately-owned shells are being loaned to CIR then insurance will be required on them. Phil suggested the Port’s insurance provider, Enduris, be contacted and asked for input. Commissioner Kitchens said that the concept sounds good as long as a document can be drafted to protect the Port. Ms. Burke explained that the closer boats are to the water, the more apt the owners are to using them, so she thinks people would pay the Port to be able to continue to keep the loaned shells in the boatyard. Commissioner Reese said that he is concerned about offering boat storage because the future plans of the area are going to have an impact on those using the storage area. Phil explained that the Port’s leases have a “Termination by Landlord for Development” clause, giving the tenant thirty-day notice. This is something that could be added to the non-motorized boating storage agreement. Commissioner Reese said that it doesn’t make sense for the Port to purchase additional racks. Mr. Bouck added that it depends on the long-term plan as it is useful for the community to have the ability to store their non-motorized watercraft so close to the water. Commissioner Kitchens said at this point we are not talking about building more racks. Ms. Burke agreed that at this point they don’t want any more boats other than upgrading. Phil suggested he and Commissioner Kitchens work with Ms. Burke to create a proper agreement. Commissioner Reese said that they should at least be paying the same amount that is charged in the non-motorized public storage area and list the Port as additionally insured on their insurance certificate or the boats should be moved by the next meeting date.

Ms. Burke said that while she was out in the chase boat someone gave her a compliment about the Port. She realized they probably thought that she was Port personnel because the chase boat has “Port of Silverdale” labeled on it. She went on to explain that through the years she has tried to get Kitsap Sun reporter, Josh Farley to go out for a row. She recently received a call from Mr. Farley saying that he had heard the Port is set to receive over a million dollars in State grants and said that’s newsworthy. So, Commissioners may be receiving a call from Mr. Farley.

Ms. Burke said that CIR has a five-year plan and she will provide it to the Port for review at the next meeting. She added that their biggest issues are facilities and low-quality boats. Ms. Burke said that they are hoping to keep one of the chase boats on the docks during Whaling Days as they would like to conduct a learn-to- row demonstration to interested festival goers. They plan to tie the boat up to the sailboat float.

4.5. Facilities

 a. Shop cleanup – nothing to report.

 b. Restroom overhaul should go out for bid sometime in August. Lee sent the Sherwin Williams representative’s suggested material list to the Port. Phil will use the information to prepare a Request for Quotation (RFQ). This will be a separate RFQ from the painting of the Byron Street properties.

 c. Port office – Phil explained that the Simons Family Limited Trust decided to continue to use their lease format. The new lease was reviewed. ***Commissioner Scholfield moved to enter into the new lease with the Simons Family Limited Trust for the continued use of the Port office building, 3550 NW Byron Street, Silverdale and the adjacent vacant lot to the east effective January 1, 2021; second by Kitchens.*** Discussion: there were a couple of typos on the first page of the lease it was agreed that the motion was subject to the corrections. ***The motion carried unanimously.*** Next month an extra payment will be made to the Simons Family Limited Trust for the difference between what has been paid from January through August and what was actually due.

 Several Port office items (Canon PC 1061 copier/printer; Lexmark C510 copier/printer; Xerox Copy machine; E-machines Keyboard and monitor; older monitor; stereo equipment) were all taken to Goodwill’s e-cycle program.

 d. Staging lot – Commissioner Scholfield reported that he installed the privacy slats in the fence on the north end of the lot. Olympic Photography Group (OPG) has entered into an agreement with the Port allowing them to park two vehicles in the lot for $50 a month. Landscaper, Ken Storm, was asked to begin maintaining the lot and add the costs to his bill to the Port.

 e. His Hands notice was received that the costs have increased $27.67 per month. The area on the west side of the Pub building continues to be overgrown. His Hands has been notified twice now that the area is to be included in their service to the Port. Another call will be made and it will be monitored.

 f. Wash down water spigot near the two trashcans on the east side of the boat launch parking lot has been installed per Lee.

 g. Gates – the gate at the landside of the pier entrance has been installed. Commissioner Reese questioned when the gate at the top of the gangway was scheduled for installation. Lee wasn’t sure, but took note.

 h. Pump-out – Ceccanti repaired the broken line and the pump-out is now operational Friday through Sunday 6:00AM through 8:00PM.

4.6. Port properties

 a. Paint prep of properties – Lee reported that the prep isn’t complete yet. Some siding on the 3421 and 3423 Byron Street properties needed to be replaced. Commissioner Scholfield said that the paint bid will probably be approved next month. Lee took note.

 b. Painting the Port-owned buildings was discussed. The three properties along Byron Street (3421, 3423 & 3425) along with the garage and trim of the brick building at 3215 Lowell Street all need painting. Phil has provided the RFQ template. The RFQ needs to be sent to painting businesses listed on the Small Works Roster with the deadline prior to the meeting.

 c. 3332 Lowell/Monarch – tenant was notified that the landscape maintenance of the property is required as outlined within the lease. She has since taken care of it.

 d. 3425 Byron Street/Kitsap Art – the window in the breezeway is set to be repaired and the sink needs to be replaced. Lee explained that the sink is an odd size, so they are looking for an adequate replacement.

 e. Paving – Phil reported that he hasn’t heard back from the County about the possibility of vacating the area between the two Port properties - 3255 and 3215 Lowell Street.

4.7. Old Town Parking – Breaking Waves patrons continue to use the Port’s parking lot after hours. It was agreed that a lot of businesses use the Port’s vehicle parking lot during the day. Commissioner Scholfield said that he doesn’t see a problem as long as Breaking Waves doesn’t request the Port to keep the lights on after hours; otherwise, they will need to be paying for that.

4.8. Derelict WN3254NN – the Port received $15,827.45 reimbursement for the disposal of the boat through the Washington State Department of Natural Resources (DNR) Derelict Removal Program (DRP).

4.9. Redistricting – the census data is estimated to be received in mid-August at which time Phil can begin the redistricting efforts.

4.10. CKFR – Phil had sent a draft Memorandum of Understanding (MOU) to CKFR’s attorney Ken Bagwell. He has since received changes that attorney Bagwell had made. Phil explained that the Port is not gaining anything with the MOU, but rather with attorney Bagwell’s changes it gives CKFR rights during emergencies rather than permission of use of Port property. Phil said that an “emergency” can be subjective. He suggested CKFR continue to use the Port property as they have up until now. Since the Port has informed them about not parking too far north on the curb at the east side of the boat launch parking lot and to park in a stall during un-emergent use, it is hoped that will be enough.

4.11. Tender out fee – this will be brought this subject up at the upcoming All Ports meeting.

4.12. Octo-cylinders – Commissioner Scholfield reported that Bob Kiel has applied for a permit to perform the embedment testing.

4.13. Interlocal Agreements with the Ports of Illahee and Tracyton have not yet been generated.

4.14. Hiring additional Port staff – a description of the position will be generated to include the range of duties and the pay and benefits that will be offered.

4.15. Long term health care – Washington State has passed a new law mandating public long-term care benefits for Washington residents. Paid for by a 0.58% tax on employee wages. Commissioner Scholfield suggested the Port cover this new tax similar to what it does for he Paid Family Leave tax. Commissioner Reese suggested this be readdressed in December.

**5. TABLED ITEMS**

It was agreed the following items should be listed under Unfinished Business.

5.1. Port Facilities

a. Department of Natural Resources (DNR)

Phil said that he will ask AES Consultants to provide an updated legal description of the DNR leased land to include area to the west in front of the Port’s wetlands area.

b. Benches – Lee explained that there are a couple different options to create a memorial-type bench for the Port Commissioners that have served in the past. He said one option is to have a piece of stainless steel engraved and it can be embedded into the bench, glue a plaque directly to the bench or engrave directly into the plastic bench material. A design needs to be determined.

5.2. Benefits need to be determined prior to a new hire.

Commissioner Scholfield told Commissioner Kitchens that if his insurance only pays a portion of airlift coverage, he would be entitled to receive the supplemental Airlift Northwest membership through the Port. Commissioner Kitchens will look into what his insurance covers.

**6. NEW BUSINESS**

6.1. Sound Publishing sent an email to the Port to advertise in the Kitsap County Fair insert. Commissioners decided not to advertise in it.

6.2. Complaint – an email dated July 14, 2021 from Kitsap1 had been received. David and Teresa English sent the complaint about the Port to the County. The English’s had been moored at the Port and had been there for seven consecutive days without payment. They apparently had engine problems with their boat. Mr. English was contacted via phone and informed that he would need to make payment and told that the Port’s policy is a maximum ten-day night stay. Within the complaint, the English’s outlined many issues they had with the Port including feeling harassed. Commissioner Scholfield explained that the day he and Port staff contacted Mr. English another boater that was not paying was also called, so Mr. English was not singled out. Mr. English had also parked his vehicle in the boat launch parking lot and his truck dripped a significant amount of oil in the parking area. He was told to move his truck and ended up parking in the Port office parking lot, where more oil was found and he was again told he could not leave his truck that was leaking oil parked there. He currently owes the Port $200 in outstanding moorage fees and within his email he said that once he received the phone call from the Port office his intention to pay went out the window. An email was sent to David and Teresa English’s email that they used to contact the County. Within the email they were encouraged to attend tonight’s meeting. There was discussion about how to collect the $200. Commissioner Reese asked at what time does the Port send the debt to collections. It was explained that the Port has never sent an outstanding debt to collections. Commissioner Scholfield said that boats owing more than $100 have been chained in the past. It was agreed a policy needs to be generated. There was discussion about possibly trespassing someone who refuses to pay an outstanding debt to the Port. Phil questioned if that can legally be done. Commissioner Reese likened it to a store owner where if someone comes in and refuses to pay for items the storeowner has the right to trespass that individual in the future. Commissioner Scholfield said that RCW (53.08.320) allows for boats to be chained. Phil suggested a policy be generated. The Port does have an address on file within the database for Mr. English. He, along with many other non-paying boaters, have been sent outstanding moorage fee letters at the beginning of July. Commissioner Kitchens said that something to consider is that many times a letter coming from an attorney holds more weight. Phil suggested a policy be generated.

**7. SAFETY/SECURITY**
Graffiti was cleaned off of the boat ramp. Lee plans to clean off the graffiti on the pier pilings prior to Whaling Days.

Lee reported that he plans to send the Port office the list of projects TIKAR plans to conduct during August.

**8. PUBLIC INPUT**
None

**9. EXECUTIVE SESSION**
At 8:26PM it was announced that the meeting would be going into Executive Session for approximately twenty minutes to discuss real estate matters.

It was asked if any of the ZOOM attendees wanted to return back into the meeting after Executive Session. Everyone said they would not be wanting to reenter the meeting.

The meeting returned to Regular Session at 8:55PM.

***It was agreed to authorize Phil to negotiate with the property owner as discussed during Executive Session after Commissioner Kitchens reviews and provides feedback of his determination of the appraisal*** (motion by Scholfield; second by Kitchens; unanimous).

Phil said that he plans to add some of the Port’s historical documents to his OneDrive and provide the Commissioners access so that they are able to review them.

The Kitsap All Ports Meeting is scheduled for Monday, July 26, 2021 at 6:30PM. There will be a pre-meeting potluck barbeque beginning at 5:00PM.

**10. ADJOURN**
***At 9:05PM the meeting adjourned*** (motion by Scholfield; second by Kitchens; unanimous).

Approved:

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